

46373
MORTON & CRAIG LLC
110 Marter Ave.
Suite 301
Moorestown, NJ 08057
Telephone: 856-866-0100
Attorney for: National Auto Sales

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:) Case No. 18-16671(ABA)
)
PATRICIA A. CLEMMONS) Chapter 13
)
) Hearing Date: 6-13-2018
)
) **OBJECTION TO CONFIRMATION**
)

National Auto Sales ("National Auto"), a secured creditor of the Debtors, objects to the Debtors' plan for the following reasons:

a. **910 CLAIM:** National Auto holds a first purchase money security interest encumbering a 2010 Chevrolet Malibu owned by the debtor. The vehicle was purchased on 11-30-2017, less than 910 days before filing and cannot be crammed down. At filing, the net balance due National Auto on the retail installment contract encumbering the vehicle was \$9,815.07. The plan must be revised to pay National Auto the net account balance of \$9,815.07 plus interest at 6%. The trustee should compute interest.

b. **Adequate protection payments:** The plan violates 11 U.S.C. 361, 1325 and 1326. It fails to pay National Auto adequate protection payments. National Auto requests adequate protection payments in equal monthly payments of \$90.75 beginning in May of 2018. Adequate protection payments must be given super priority administrative expense status and paid ahead of attorney fees. Adequate protection payments must continue over the life of the plan.

c. **Proof of insurance:** The vehicle must be insured with comprehensive and collision insurance coverage and liability coverage in accordance with the requirements contained in the contract. National Auto must be listed as loss payee or additional insured. **The Debtors must provide National Auto with proof that the vehicle is insured in accordance with §1326(a)(4) and this portion of the objection to confirmation should be considered a demand that the Debtors provide proof of proper insurance.**

- d. National Auto must retain its lien on the vehicle following confirmation.
- e. **Order of payments:** National Auto must be paid adequate protection payments prior to payment of counsel fees and other administrative expenses, with the exception of trustee commissions.

/s/ John R. Morton, Jr., Esq.
John R. Morton, Jr., Esq.
Attorney for National Auto Sales

Date: 6-1-2018